

**Arms control****Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons and Their Destruction (BWC) (1972), LA 272-321**

denial of transfer or export under Articles III & X, 309-15

hard law and soft law language in, 272-85, 291-99, 301-16, 320-21

origins of regime, 276-85

reform efforts, 282-85

scope of Article I "peaceful purposes," 281-82, 292-95, 309-15

state security interests and preferences, 279-315, 320-21

U.S. as defensive quasi-defector, 292-94, 297-99

U.S. ratification, 279-81

U.S. rejection of draft protocol, 284-85, 297-98, 302-03, 308-09, 320-21

**Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction (1993), 298, 315, 318-21****Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925), 277**

hard and soft law language in design of multilateral arms control regimes, 272-321

in outer space, *see* Air and space law

Iran partially suspends cooperation with IAEA over nuclear program, *CP* 667-68

Libya's renunciation of weapons of mass destruction, 572-78

**Nuclear Non-Proliferation Treaty (NPT) (1968), 305, 316-18**

six-party talks on North Korea nuclear program, *CP* 220, 499-501, 668-69

U.S. joins talks, 499-501

state security interests and preferences, 271-321

**UN Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) (1980)**

U.S. administration calls for Senate approval of fifth CCW Protocol on Explosive Remnants of War, *CP* 502-03

U.S. declines participation in Oslo conference, *CP* 503-04

UNSC sanctions Iran for nuclear weapons program, *CP* 221, 666-68

UNSC sanctions North Korea following missile & nuclear tests, *CP* 216-20

U.S. supports UN sanctions, issues Executive Order implementing *CP* 216-20

U.S. concern at Chinese antisatellite missile test, *CP* 671

U.S. efforts to curb Iran's nuclear program, *CP* 221, 666-68

U.S.-India nuclear cooperation agreement, *CP* 496-99, *CP* 895-97

Atapattu, Sumudu, *Emerging Principles of International Environmental Law*, *BR* 933

**Barbados**

in case before UNCLOS Annex VII Arbitral Tribunal, *ID* 149-57

Beard, Jack M.

[The] Geneva Boomerang: The Military Commissions Act of 2006 and U.S. Counterterror Operations, *Ag* 56

[The] Shortcomings of Indeterminacy in Arms Control Regimes: The Case of the Biological Weapons Convention, *LA* 271

Ben-Naftali, Orna & Keren Michaeli, *ID* 459-65

Benvenisti, Eyal, & Moshe Hirsch (Eds.), *The Impact of International Law on International Cooperation: Theoretical Perspectives*, *BR* 257

Bernasconi-Osterwalder, Nathalie, Daniel Magraw, Maria Julia Oliva, Marcos Orellana, & Elisabeth Tuerk, *Environment and Trade: A Guide to WTO Jurisprudence*, *BR* 703

Bilder, Richard B. (Ed.), *Recent Books on International Law*, 231, 509, 674, 901

**Biological weapons**, *see* Arms control

**Biotechnology**, *see* international environmental law

Bjorklund, Andrea K., *BR* of Schulte, 524

Blackett, Adelle, *BR* of Javillier & Gernigon, 529

Blum, Yehuda Z., *Was Yugoslavia a Member of the United Nations in the Years 1992-2000?*, *NC* 800

- Bodansky, Daniel (Ed.), *International Decisions*, 142, 453, 616, 841
- Boisson de Chazournes, Laurence, *BR* of Bernasconi-Osterwalder, 703
- Bolivia**  
in case before ICSID, *ID* 179–84
- Boll, Alfred M., *Multiple Nationality and International Law*, *BR* 922
- Books Received, 265, 546, 704, 941
- Botswana**  
agreement with U.S. for tropical forest conservation projects, *CP* 227
- Bradley, Curtis A., *The Military Commissions Act, Habeas Corpus, and the Geneva Conventions*, *Ag.* 322
- British Yearbook of International Law 2005, *CE* 546
- Brooks, Rosa, *see* Stromseth, Jane
- Burma (Myanmar)**  
human rights abuses in, *CP* 484–85
- Business and Human Rights: The Evolving International Agenda, *CD* 819
- Butler, William E.  
Sino-Soviet Secret Diplomacy and the Foreign Investor, *NC* 599  
*BR* of Kuznetsov, 917
- Byers, Michael, *BR* of Orakhelashvili, 913
- Canada**  
in case before WTO Dispute Settlement Body, *ID* 453–59  
U.S.–Canada Free Trade Agreement Implementation Act of 1988, *CP* 504–05  
U.S.–Canada Softwood Lumber Agreement, *CP* 504–05
- Cao, Lan, *BR* of Stromseth, 901
- Caplan, Lee M., *see* Caron, David D.
- Caron, David D., Lee M. Caplan & Matti Pellonpää, *The UNCITRAL Arbitration Rules: A Commentary*, *BR* 519
- China, People's Republic of**  
secret agreement on foreign investment, additional to Soviet Union–China (PRC) Treaty on Friendship, Alliance and Mutual Assistance (1950), *NC* 599–601  
U.S. concern at antisatellite missile test, *CP* 671
- Clapham, Andrew, *Human Rights Obligations of Non-state Actors*, *BR* 514
- Cogan, Jacob Katz, *ID* 163–71
- Collected Essays, *CE* 546
- Colson, David A. & Brian J. Vohrer, *BR* of Lagoni & Vignes, 534
- Columbia**  
military tribunals in, 362–81  
U.S.–Columbia free trade pact, *CP* 880–81
- Congo, [Democratic Republic of]**  
in case before ICJ, *ID* 142–49, *CD* 602–08
- Contemporary Practice of the United States Relating to International Law, 185, 478, 636, 866
- Convention on the Rights of Persons with Disabilities** (2006), 829
- Council of Europe**  
CIA rendition and detention program, *CD* 442–52, *CP* 890–93  
legal opinion of Venice Commission, 444–51  
member state responsibility, 447–52
- Council of Europe Convention on Cyber-crime** (2001), *CP* 200
- [The] Council of Europe Addresses CIA Rendition and Detention Program, *CD* 442
- Crook, John R. (Ed.), *Contemporary Practice of the United States Relating to International Law*, 185, 478, 636, 866
- Cruvellier, Thierry, *Le tribunal des vaincus: Un Nuremberg pour le Rwanda?*, *BR* 928
- Cuba**  
Guantánamo Bay  
detainee releases and transfers, 352, *CP* 192, *CP* 229–30, *CP* 488–89, 660–62, *CP* 888–90  
detainees' right to habeas corpus review, 92–94, 322–44, 354–61, *CP* 191–92  
legal status of detention facility, 70–72, 332–33
- Customary international law (CIL)**  
corporate responsibility for human rights violations, 824–25, 830–33  
international instruments recognizing application to, 828–29, 832–33  
defense of necessity in state and private debtors relationship, *ID* 857–65  
recruitment and use of child soldiers, 849, 853  
U.S. legal advisors comment on ICRC study of, *CP* 639–41  
*See also* Human rights

Dealing with a "Rogue State": The Libya Precedent, *LA* 553

### Death penalty

Texas court rejects Presidential order to review consular notification death cases, *CP* 478-80

Di Leva, Charles

*BR* of Atapattu, 933

*BR* of Louka, 933

### Diplomatic and consular relations

Consular notification cases, *CP* 478-83

Texas court rejects Presidential order to review, *CP* 478-80

failure to provide consular information, *CP* 478-83, *ID* 627-35

Supreme Court grants *certiorari* in Medellin case, *CP* 670-71

U.S. supports Supreme Court review of Texas decision, *CP* 480-83, 671

immunity of diplomatic missions, *CP* 642-45

U.S. closes Eritrea's Oakland consulate; suspends visa services in Asmara, 874-75

U.S. embassy challenges London's congestion fee, *CP* 506

violations of Neutrality Act in plot to overthrow Laos, *CP* 641-42

*See also* Eritrea Ethiopia Claims Commission

### Discrimination

**United Nations Convention on the Elimination of All Forms of Discrimination Against Women** (1979), 829

**United Nations Convention on the Elimination of All Forms of Racial Discrimination** (1965), 829

D'Oliveira, Hans Ulrich Jessurun, *BR* of Boll, 922

Doswald-Beck, Louise, *see* Henckaerts, Jean-Marie

Drumbl, Mark A., *ID* 841-48

Dunoff, Jeffrey L., *BR* of Zampetti, 907

Elias, Olufemi, *see* Fitzmaurice, Malgosia

### Environment

U.S. adopts legislation against illegal, unreported, unregulated fishing, *CP* 651

U.S. agreements with Botswana and Guatemala for tropical forest conservation projects, *CP* 227

U.S. executive memorandum on sustainable fisheries policy, *CP* 207-08

U.S. proposal to protect Papahānaumokuākea Marine National Monument, 650

*See also* international environmental law

### Eritrea

U.S. closes Eritrea's Oakland consulate; suspends visa services in Asmara, 874-75

### Eritrea Ethiopia Claims Commission

claims awards, *ID* 616-27

diplomatic claims, 617-18, 626

economic loss award, 619, 625-26

*jus ad bellum* award, 619-20, 625-26

western and eastern fronts award, 622-23, 626-27

western front & aerial bombardment award, 623-25

*See also* Vienna Convention on Diplomatic Relations; Laws of war

### European Atomic Energy Community

**Treaty Establishing the European Atomic Energy Community (EURATOM)** (1957), 171-73

### European Community, 175

**Commission of the European Communities**

in case before ECJ, *ID* 171-78

competence under "mixed agreement" treaties, *ID* 173-78

in case before WTO Dispute Settlement Body, *ID* 453-59

regulatory regime for biotech products (GMOs), *ID* 453-59

shared competence with member states, 172-73

**Treaty Establishing the European Community** (1957)

failure of member state to fulfill obligations under, *ID* 171-78

**Treaty of Amsterdam** (1997), 171

**Treaty of Nice** (2001), 171

### European Convention for the Protection of Human Rights and Fundamental Freedoms

(1950), 633

incompatibility with CIA rendition program, *CD* 442-52

### European Court of Human Rights (ECHR),

175-176

independence of military courts, 37

role in interpretation of international law, 629–35

**European Court of Justice (ECJ)**, 175

competence under “mixed agreement” treaties, *ID* 173–78

exclusive jurisdiction over EC law, *ID* 171–78

**European Union**

agreement with U.S. enhancing cooperation with Eurojust, *CP* 226–2

agreement with U.S. on sharing airline passenger (PNR) data, *CP* 228–29, *CP* 878–80

U.S. “Open Skies” Air Transport Agreement concluded with, *CP* 653–54

Farer, Tom J., *The Two Faces of Terror*, *Ag.* 363

Ferencz, Benjamin, *BR* of Solera, 544

Fidell, Eugene R., *BR* of Rowe, 252

[The] Fifty-eighth Session of the International Law Commission, *CD* 407

Fitzmaurice, Malgosia, & Olufemi Elias, *Contemporary Issues in the Law of Treaties*, *BR* 695

Forsythe, David., *The Humanitarians: The International Committee of the Red Cross*, *BR* 259

**France**

Noriega extraditable to France, *CP* 885–86

[The] Francis Deák Prize, *NC* 405

Friedland, Paul D. & Lucy Martinez, *BR* of Caron, Caplan & Pelonpää, 519

Frowein, Jochen A., *BR* of Meron, 680

Gärditz, Klaus Ferdinand, *ID* 627–35

Gathii, James Thuo, *ID* 142–49

[The] Geneva Boomerang: The Military Commissions Act of 2006 and U.S. Counterterrorism Operations, *Ag.* 56

**Geneva Convention (No. III) Relative to the Treatment of Prisoners of War** (1949), 64–69, 95, *CP* 194, 326, 329, 336–37, *CP* 885–86

**Geneva Convention (No. IV) Relative to the Protection of Civilian Persons in Time of War** (1949), 464, 622–23, *CP* 885–86

**Geneva Conventions for the Protection of Victims of War** (1949), *CP* 185–87, 192–95, *Ag.* 35–98, 322–44, 353–54, 460–65

as non-self-executing treaties, 88–92, 337–41  
authority of President concerning common Article 3, 96–98, 193, 329

Executive Order on compliance with, in detainee interrogations, *CP* 866–69, *CP* 892–93

authority of President to suspend treaty obligations of, 64–65

**Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)** (1977), 460–65, 623–26, 842

**Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Adoption of an Additional Distinctive Emblem (Protocol III)** (2005)

U.S. Legal Advisor on applicability of, to international terrorism, *CP* 198–99

U.S. Senate consent to, *CP* 201

*See also* Military commissions

**Genocide**

in Rwanda, *ID* 157–63

*See also* International Criminal Tribunal for Rwanda; Rape

Genuine Consent to Sexual Violence Under International Criminal Law, *NC* 121

**Germany, Federal Republic of**

Aerial Security Act unconstitutional, *ID* 466–71

claims by holders of Argentinean state bonds, *ID* 857–65

compliance with, and interpretation of, international treaty law, 628–35

defense of necessity toward private creditors, *ID* 857–65

dismissal of suit by German allegedly detained by mistake on state secret grounds, upheld, *CP* 506–07

failure to provide consular information, *ID* 627–35

right to fair trial, 627–31

right to life and human dignity, *ID* 466–71

Gernigon, Bernard, *see* Javillier, Jean-Claude

Gross, Oren & Fionnuala Ní Aoláin, *Law in Times of Crisis: Emergency Powers in Theory and Practice*, *BR* 688

**Guantánamo Bay,**

application of Military Commissions Act to non-Guantánamo detainees, *CP* 195

detainee transfers and releases, 352, *CP* 192, *CP* 229–30, *CP* 488–89, 660–62, *CP* 888–90  
 detainee trials by military commissions, 195, 486–87  
 detainees' right to habeas corpus review, 92–94, 191–92, 322–44, 354–61  
 expansion of detention facilities, *CP* 195  
 legal status of, 70–72, 332–33  
 permissible treatment of detainees, *CP* 185–95, *CP* 866–69, *CP* 892–93  
 support for closing, *CP* 487–88, 660–661, 886–87

*See also* Cuba; Military commissions

### Guatemala

agreement with U.S. for tropical forest conservation projects, *CP* 227

### Hague Regulations Respecting the Laws and Customs of War on Land (1907), 145–46, 460

Hakimi, Monica, The Council of Europe Addresses CIA Rendition and Detention Program, *CD* 442

Hannum, Hurst, *BR* of Clapham, 514

### Health

U.S. joins consensus on UN Convention on Rights of Persons with Disabilities, *CP* 491–92

Helfer, Laurence R., *BR* of Benvenisti & Hirsch, 257

Heller, Kevin Jon, *ID* 157–63

Henckaerts, Jean-Marie & Louise Doswald-Beck (Eds.), Customary International Humanitarian Law. Vol. I: Rules; Vol. II: Practice, *BR* 692

Hirsch, Moshe, *see* Benvenisti, Eyal

Hollis, Duncan B., *BR* of Fitzmaurice & Elias, 695

Howse, Robert, *BR* of Slaughter, 231

Hüfken, Nina, *see* Rudolf, Beate

### Human rights

and transnational corporations, *CD* 819–40  
 guidelines, 819–27, 830, 834, 836  
 international standards and practices, 827–38  
 legal responsibility, 824–27, 830–33, 839  
 nonjudicial review and performance standards, 834  
 rights and obligations in international law, 824–27  
 secondary duties of, 825

self regulation, 835–37

soft law regulation, 819, 833–35, 839

spheres of influence, 825

capacity of states and corporations to carry out duties, 825–26, 838

CIA rendition and detention program, 69, *CD* 442–52

Equator Principles, 835

Extractive Industries Transparency Initiative, 835

habeas corpus curtailed, 92–94, 191–92, 322–44, 354–61, *CP* 191–92

international mechanisms to protect, 833–35

Kimberley Process Certification Scheme, 835

reform of U.S. immigration courts and immigration appeals board, *CP* 209–10

right to fair trial, 362–81, 627–35, 864

right to life and human dignity, *ID* 465–71

state duty to protect, 828–30, 839, 860–61, 864

treaties recognizing application to business, 828–29, 832–33

UN declaration on rights of indigenous peoples, *CP* 211–13, *CP* 884–85

U.S. arrests Argentinian and Peruvian former officers for abuses of, in homelands, *CP* 657–59

Voluntary Principles on Security and Human Rights, 835

*See also* African Union; Military commissions; Rape

### Humanitarian intervention

responsibility to protect, *NC* 99–120

*See also* State responsibility

Husain, Aiyaz, The United States and the Failure of UN Collective Security: Palestine, Kashmir, and Indonesia, 1947–1948, *NC* 581

### India

foreign sovereign immunity in tax lien case vs. Mission to UN, *CP* 642–45

U.S.–India Peaceful Atomic Energy Cooperation Act (2006), *CP* 496–99

U.S.–India sign nuclear cooperation agreement on peaceful uses, *CP* 895–97

### Indonesia

UN early peace operations in, 586–89

UNSC Good Offices Committee, 588

U.S. policy on military involvement in, 587–89, 595

#### **Inter-American Commission on Human Rights**

See Organization of American States

#### **International Atomic Energy Agency (IAEA)**

Iran partially suspends cooperation with, 667–68

#### **International Centre for Settlement of Investment Disputes (ICSID)**

and defense of necessity in state and private debtors relationship, 859–60

**Convention on the Settlement of Investment Disputes Between States and Nationals of Other States** (1965), 716–733, 738, 742–43

bilateral investment treaties' (BITs) relationship to, 729–32

sovereign bonds as investments under, 719–28

jurisdiction over debt instruments, *ID* 179–84, 718–38, 858–60

sovereign bonds in international arbitration, *LA* 711–59

U.S.–EU agreement on sharing airline passenger (PNR) data, *CP* 228–29, *CP* 878–80

U.S.–EU conclude "Open Skies" agreement, *CP* 653–54

#### **International Commission on Intervention and State Responsibility**

and responsibility to protect, 102–04

#### **International Committee of the Red Cross (ICRC)**

U.S. comments on study of customary international humanitarian law, *CP* 639–41

#### **International competition law**

foreign steel merger conditioned on divestiture of U.S. steel mill, 875–86

See also International economic law

#### **International Court of Justice**

composition, 613–14

docket and future work, 614–15

elected president, Rosalyn Higgins, 613

elected vice-president, Awn Shawkat Al-Khasawneh, 613

jurisdiction in Yugoslavia cases, 803–13, 806–07

jurisdictional conflict with UN Security Council, 558–61

lack of jurisdiction in criminal proceedings, 561  
on Yugoslavia's membership in UN, *NC* 803–18

contradictory decisions on legal status, 805–11, 813, 816

procedural and administrative matters, 612

relations with other UN organs, 613–14

*res judicata* rulings, 808–13, 816

role in interpretation of international law, 62–35, 629–35

#### **Statute of the International Court of Justice**

states parties and UN membership, 803–09

U.S. Homeland Security Secretary views on jurisdictional decisions of, *CP* 196

U.S. relationship with, 638

use of force in the Congo, *ID* 142–49, *CD* 602–08

#### **International Covenant on Civil and Political Rights** (1966), 37, 828, 864

**Human Rights Committee**, 829

#### **International Covenant on Economic, Social and Cultural Rights** (1966), 828, 864

**Committee on Economic, Social and Cultural Rights**, 829

#### **International Criminal Court (ICC)**

on leave to appeal, 847

on recruitment and use of child soldiers, *ID* 841–48, 853

#### **Rome Statute of the International Criminal Court** (1998)

applicability to international and noninternational conflicts, 842–43, 847

confirmation of charges procedure, 842–48

corporate criminal responsibility, 830–31

individual criminal responsibility, *NC* 122, 853

prohibition on using children to participate actively in hostilities, 844

prosecutorial autonomy, 843, 847–48

U.S. ends limits on military training for parties to ICC, *CP* 213

U.S. relationship with ICC, *CP* 213–14, 637

U.S. views on further appeal for Lockerbie defendant, 899–900

#### **International criminal justice**

confirmation of charges procedure, 842–48



proceedings against Pan Am 103 (Lockerbie) bombing suspects, 556–58, 564–67, *CP* 899–900

proceedings in foreign courts against U.S. officials and military personnel, *CP* 890–92

sources of law, 36–37, 55–72

#### **International criminal law**

alien tort claims for events in Sudan dismissed, *CP* 210–22

amendments to War Crimes Act, *Ag.* 48–55, 329, *CP* 192–94

implications for implementation of 1949 Geneva Conventions, 48–55

legislative background, 49–51

*See also* Military commissions

cooperation with international tribunals, *ID* 163–71

corporate criminal responsibility, 830–31, 833, 839

#### **Council of Europe Convention on Cyber-crime** (2001), *CP* 200

defense of necessity, 853, 856–57

definition of sexual violence, *NC* 121–40

extraterritorial venue, 556–58, 564–67

forced marriages during armed conflict, 851, 854

gender crimes, 851, 853–54, 857

internet gambling restrictions, *CP* 203–04

*mens rea*, 160–63

on establishing consent and nonconsent to sexual violence, *NC* 121–40

outrages against personal dignity, 851, 854

recruitment and use of child soldiers, *ID* 841–54, 857

#### **United Nations Convention Against Corruption** (2003), *CP* 201–02

UNSC authorizes UN tribunal on Hariri assassination, at U.S. urging, *CP* 647

U.S. agreement with EU's judicial cooperation unit, Eurojust, *CP* 226–27

*See also* Rape; International humanitarian law

#### **International Criminal Tribunal for the Former Yugoslavia** (ICTY)

binding orders to produce documents, *ID* 163–71

U.S. and NATO responses to request for documents, 163–71

establishing nonconsent to sexual violence, *NC* 122–40

*See also* Rape

#### **International Criminal Tribunal for Rwanda** (ICTR)

establishing nonconsent to sexual violence, *NC* 122–40

judicial notice, 157–60

participation in genocide, *ID* 157–63

*See also* Rape

International Decisions, 142, 453, 616, 841

#### **International economic law**

bilateral investment treaties (BITs), *see* International investment law; *see also* laws of war challenge to NAFTA dispute settlement process dismissed, *CP* 504–05

corporate legal responsibility and liability, 824–27, 830–33, 839

defense of necessity in state and private debtors disputes, *ID* 857–65

dispute resolution mechanisms, 179–73, 732–38

choice-of-forum clauses, 179–83

collective action clauses, 713, 717, 735–38

elements for pending and future U.S. trade agreements, *CP* 880–81

Equator Principles, 835

expropriation, 742–47

Extractive Industries Transparency Initiative, 835

fair and equitable treatment, 748–52

jurisdiction in investment disputes, 181–84, 718–21, 732–38, 857–59, 862–63, 864

Kimberley Process Certification Scheme, 835

liability, 739–54

Most-Favored-Nation (MFN) and national treatment, 739–42

new U.S. Model Income Tax Convention and Model Technical Explanation, *CP* 228

settlement of softwood lumber dispute, *CP* 879–99

sovereign bond default arbitration, 181–84, *LA* 711–59

state immunity, 857, 859–64, *CP* 882–84

transnational corporations and human rights obligations, 824–27

international instruments recognizing application to, 828–29, 832–33

- legal responsibility and liability, 824-27, 830-33, 839
- nonjudicial review and performance standards, 834
- secondary duties of, 825
- soft law regulation, 819, 833-35, 839
- spheres of influence 825
- See also* Human rights
- United Nations Global Compact, 819-20
- U.S.-Canada Free Trade Agreement Implementation Act of 1988, *CP* 504-05
- U.S.-Canada Softwood Lumber Agreement, *CP* 504-05
- U.S.-EU conclude "Open Skies" Air Transport Agreement, *CP* 653-54
- U.S.-South Korea free trade agreement, *CP* 881-82
- U.S. response to Venezuelan nationalizations affecting U.S. companies, *CP* 645-47
- WTO report on EC measures affecting approval and marketing of biotech products (GMOs), *ID* 453-59
- International environmental law**
  - Convention on Biological Diversity** (1992), 457-58
  - Cartagena Protocol on Biosafety** (2000) 457-58
  - Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean** (2000)
    - U.S. ratification, *CP* 651-53
  - Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)** (1992), 172
  - Vienna Convention for the Protection of the Ozone Layer** (1987), 471
  - Montreal Protocol on Substances that Deplete the Ozone Layer** (1987)
    - domestic legal effect of decisions under, for U.S., *CP* 208-09, *ID* 471-77
- International Federation of Red Cross and Red Crescent Societies**, *CP* 201
- International humanitarian law**
  - amendments to War Crimes Act, 48-55
  - crimes against humanity, 849, 850-52, 854, 857
  - duty of vigilance, 145-47, 149
  - forced marriage, 849, 851, 854-55
  - gender crimes, 853-57
  - legality of CIA rendition and detention program, *CD* 442-52
  - proportionality principle, 459-62, 470-71
  - responsibility to protect, *NC* 99-120
  - sexual slavery and sexual violence, as genocide, crime against humanity, or war crime, *NC* 122-140, 849-52, 854-55
  - U.S. State and Defense legal advisors on ICRC study of, *CP* 639-41
  - U.S. State Department Legal Advisor on applicability of, to terrorism, *CP* 198-99
  - See also* International criminal justice; Military commissions; State responsibility
- International investment law**
  - bilateral investment treaties, *ID* 179-84, 716-18, 729-32, 735-43, 748, 754, 859
  - definitions of investment, 729-32
  - relationship to ICSID arbitration procedures, 729-32
  - defense of necessity in state and private debtors relationship, *ID* 857-65
  - sovereign bonds in international arbitration, *LA* 711-59
    - as "investment" under ICSID, 719-28
    - compensation on, 754-57
    - default as trigger for state responsibility, 738-54
    - holdout arbitration, 757-59
- International Labor Organization**
  - Tripartite Declaration of Principles Concerning Multinational Enterprises, 819
- International law**
  - as interpretive tool, 457-559
  - extraterritorial jurisdiction, 829
  - general principles of, 857-59, 862-63
  - impact on proceedings of military commissions, 36-37
  - international treaty obligations vs. domestic law, *Ag.* 73-98, 337-44, 628-39, *CP* 880-84
  - military occupation, 145
  - postconflict legal education, *NC* 382-403
  - responsibility to protect as legal norm, *NC* 99-120
  - soft law and hard law language in multilateral arms control regimes, *LA* 272-321



status of bilateral treaties in wartime, 619  
 U.S. Homeland Security Secretary on "activist"  
   international judges and scholars, *CP* 195-97  
 U.S. views on, *CP* 197-99, 636-39  
*See also* Customary international law; International criminal law; State responsibility

#### **International Law Commission**

defense of necessity, 858, 863  
 diplomatic protection, 413-21  
 effect of armed conflict on treaties, 438-40  
 expulsion of aliens, 440  
 fragmentation of international law, 423-29  
 international liability for transboundary harm, 407-13  
 obligation to extradite or prosecute, 440  
 reservations to treaties, 435-36  
 responsibility of international organizations, 437-38  
 shared natural resources, 429-34  
 state responsibility, 115-16, 119-20, 769-70, 780, 795-96  
 unilateral acts of states, 421-23

International Legal Materials, Contents, 269, 551, 708, 949

#### **International Monetary Fund**

U.S. supports reform of quota and governance structure, *CP* 225-26

Internationally Wrongful Acts in Domestic Courts, *LA* 760

#### **Iran**

partially suspends cooperation with IAEA, 667-68  
 UNSC imposes sanctions under Chapter VII, Art. 41, *CP* 221, 666-68  
 U.S. efforts to curb Iran's nuclear program, *CP* 221, 666-68

#### **Iraq**

proceedings against U.S. military and civilian personnel for possible offenses in, *CP* 215-16, 494-96, 663-64, 890-95  
 U.S. jurisdiction in cases involving persons held by U.S. forces in, *CP* 665-66  
 Saddam & al-Bandar executions, *CP* 665

#### **Ireland**

in case before ECJ, *ID* 171-78

#### **Israel**

Supreme Court ruling on legality of "preventative targeted killings," *ID* 459-65

use of cluster munitions in Lebanon, *CP* 502

Jackson, John H. Sovereignty, the WTO, and Changing Fundamentals of International Law, *BR* 234

#### **Japan**

U.S. court finds Treaty of Friendship does not preempt state whistleblower law, *CP* 882-84  
 Javillier, Jean-Claude & Bernard Gernigon (Eds.), *Les normes internationales du travail: Un patrimoine pour l'avenir: Mélanges en l'honneur de Nicolas Valticos*, *BR* 529

Judicial Review and the Military Commissions Act: On Striking the Right Balance, *Ag* 344

#### **Jurisdiction**

choice of forum clauses, 179-83, 732-38  
 extraterritorial corporations, 829  
 foreign sovereign immunity claim by India & Mongolia UN Missions in tax lien case, *CP* 642-45  
 foreign sovereign immunity claim by Peru in case of commercial activity, *CP* 202-03  
 foreign steel merger conditioned on divestiture of U.S. steel mill, 875-86  
 in cases involving persons held in Iraq by U.S. forces, *CP* 665-66  
 in mixed agreement treaties, 173-78  
 in Mox plant dispute, *ID* 171-78  
 in NAFTA dispute settlement process, *CP* 504-05  
 of U.S. Supreme Court in cases arising under treaties, 73-79  
 over EC law, *ID* 171-78  
 over outer continental shelf disputes, *ID* 149-57  
 over sovereign debt instruments, *ID* 179-84, 181-84, *LA* 711-38, *ID* 857-65  
*ratione materiae*, 718  
 under Convention for Suppression of Unlawful Acts vs. Safety of Civil Aviation, 558-62  
 under Military Commissions Act, *see* Military commissions

Karamanian, Susan L., *BR* of Patel, 538

Karemera, et al., in case before ICTR, *ID* 157-63

#### **Kashmir**

UN early peace operations in, 593-94

UN Commission on India and Pakistan (UNCIP), 594

U.S. views on military involvement in, 593-94

Kirgis, Frederic L., *BR* of Gross & Ní Aoláin, 688  
Knox, John H., *ID* 471-77

#### **Korea, North**

establishment of UNSC committee on sanctions, *CP* 220

six-party talks on nuclear program, *CP* 220, 499-501, 668-69

U.S. joins talks, 499-501

UNSC imposes sanctions under Chapter VII, Article 41 for nuclear tests, *CP* 217-18

UNSC imposes sanctions without reference to Chapter VII for missile tests and WMD programs, *CP* 216-17

U.S. supports UN sanctions; issues Executive Order implementing, *CP* 216-20

#### **Korea, South**

U.S.-South Korea free trade agreement, *CP* 881-82

Kritsiotis Dino, *BR* of Henckaerts, 692

Kuznetsov, V. I. & B. R. Tuzmukhamedov (Eds.), *Mezhdunarodnoe pravo* [International Law] 2d rev. ed., *BR* 917

Kwiatkowska, Barbara, *ID* 149-57

Lagoni, Rainer & Daniel Vignes (Eds.), *Maritime Delimitation*, *BR* 534

#### **Laos**

violations of U.S. Neutrality Act in plot against government, *CP* 641-42

#### **Law of the sea**

**United Nations Convention on the Law of the Sea** (1982)

Annex VII arbitration, *ID* 149-57, 171-78

competence as "mixed agreement," 173-78

compulsory jurisdiction under Part XV of, 149-53, 156

foreign access to straddling fish stocks, *ID* 149-57

in Mox Plant dispute, *ID* 171-78

jurisdiction in disputes between EC member states, 174-78

jurisdiction over disputes concerning outer continental shelf, *ID* 149-53

law of equitable delimitations of EEZ and continental shelf, *ID* 149-57

U.S. President urges Senate approval of, *CP* 650-51

#### **Laws of war**

aerial bombardment, 623-26

applicability to Israeli-Palestinian conflict, 464-65

as source of law for military commission proceedings, *Ag.* 35-98, 56-72, 326-27

contradictory provisions of Military Commissions Act, 57-64

dual-national claims, 620-21

extradition, *CP* 885-86

guidelines for relations between U.S. armed forces and NGO humanitarian organizations in hostile environments, *CP* 877-78

in international and noninternational conflicts, 63-64, 68-69, 842-43, 846-47

lawful and unlawful combatants and noncombatants, 460-65, *CP* 887-88

legality of "preventative targeted killings," *ID* 459-65

pensions of enemy nationals, 621-22

proportionality principle, 459-62, 470-71

protection of alien assets, 620-21

status of bilateral treaties, 619

trade restrictions, 622

U.S. Legal Advisor on applicability of, to terrorism, *CP* 198-99

#### **Lebanon**

UNSC authorizes UN tribunal on Hariri assassination at U.S. urging, *CP* 647

Lester, Simon, *ID* 453-59

#### **Liberia**

Charles Taylor, Jr. indicted in U.S. for torture in Liberia, *CP* 492-93

#### **Liberia**

Charles Taylor, Jr. indicted in U.S. for torture in Liberia, *CP* 492-93

#### **Libya**

in case before ICJ, 555, 558-62

jurisdiction, 558-59, 561

withdrawal of case, 560, 572

normalization of relations with U.S., 575-78

renunciation of terrorism, 567-68, 574-78

renunciation of weapons of mass destruction, 572-78

state responsibility in Pan Am 103 bombing, 556, 570-71

U.S. and UK strategy toward, since Pan Am 103 bombing, *LA* 553-80

compensation negotiations, 567-72, 578-79

- designation as state sponsor of terrorism, 553-54, 569-70, 577, 580
- extraterritorial trial venue, 555, 564-67, 578-79
- in UN Security Council, 556-57, 559-62, 568-72
- prosecution under domestic criminal proceedings, 556-57, 578
- right of self-defense, 555-57
- sanctions, 555, 557, 563-65, 568-72, 577
- U.S. unilateral measures against, 555, 563-64, 579-80
- See also* Terrorism; International Court of Justice; UN Security Council
- Louka, Elli, *International Environmental Law: Fairness, Effectiveness and World Order*, *BR* 933
- Louw, Lirette, *see* Viljoen, Frans
- Lowe, Vaughan, *BR* of Jackson, 234
- Lubanga Dyilo, in case before ICC, *ID* 841-48
- Magraw, Daniel, *see* Bernasconi-Osterwalder, Nathalie
- Marlowe, Andrea, *see* Oosterveld, Valerie
- Martin, David A., *Judicial Review and the Military Commissions Act: On Striking the Right Balance*, *Ag.* 344
- Martinez, Lucy, *see* Friedland, Paul D.
- Matheson, Michael J.
- [The] Amendment of the War Crimes Act, *Ag.* 48
- Council Unbound: The Growth of UN Decision Making on Conflict and Postconflict Issues After the Cold War, *BR* 685
- [The] Fifty-eighth Session of the International Law Commission, *CD* 407
- Mathias, Stephen, [The] 2006 Judicial Activity of the International Court of Justice, *CD* 602
- Meron, Theodor
- corrects centennial essay, *Reflections on the Prosecution of War Crimes by International Tribunals*, re Nuremberg defendants convicted only of crimes against peace, *Corr.* 141
- [The] Humanization of International Law, *BR* 680
- Mexico**
- NAFTA arbitration award confirmed in Mexico's favor in Thunderbird Gaming case, *CP* 669-70
- Michaeli, Keren, *see* Ben-Naftali, Orna
- Military commissions**
- Combatant Status Review Tribunals (CSRTs), 325, 331, 335-37, 349-50, 355-60, 375-79
- challenges to designation as enemy combatants, *CP* 888-89
- criminal charges against Omar Ahmed Khadr reinstated by Military Commission Review Court, *CP* 887-88
- Defense Department manual of military commission procedures and elements for conviction, 79, 327, *CP* 187-189, *CP* 195
- history of, from Civil War-Reconstruction to post-World War II, *Ag.* 35-48
- in Latin America, *Ag.* 362-81
- Military Commissions Act of 2006 (MCA), *Ag.* 35-98, 322-81, *CP* 185-95
- access to information underlying government's determinations, *CP* 888-89
- Administrative Review Boards, 325
- amendment to permit habeas corpus review fails in Senate, *CP* 888
- amendments to Detainee Treatment Act (DTA), *CP* 195
- amendments to Uniform Code of Military Justice (UCMJ), *CP* 185-95, 322-23, 326-27
- amendments to War Crimes Act, *Ag.* 48-55, *CP* 192-94, 329
- and due process, 324, 331, 335-37, 362-81
- and last-in-time rule, 77, 80-82, 339, 342
- and laws of war, *Ag.* 35-98, 55-72, 326-27
- and Supremacy clause, 75, 78-79, 87-92, 339-40
- and Suspension clause, 331-35, 348
- application to non-Guantánamo detainees, *CP* 195
- compared with Latin American military trials, *Ag.* 362-81
- compliance with Geneva Conventions of 1949, *Ag.* 35-98, 322-44, 353-54, 371
- Article 129 of Third Geneva Convention, 94-96, 329
- as source of detainee rights, 82-94, 327-28, 337, 353-54
- common Article 3, *Ag.* 49-64, 74-98, 326-29, 337-44, 353

- Presidential authority to interpret, 96-98, 329, 342-43
- Court of Military Commission Review established, 189
- enemy combatants, 59-60, 66-67, 327, *CP* 186, 660
- Executive Order on common Article 3 and detainee interrogations, *CP* 866-69, *CP* 892-93
- first conviction of Guantánamo detainee under, *CP* 486-87, 662
- habeas corpus, 92-94, 322-44, 354-61, *CP* 191-92, 659-60, 888-89
- human rights law applicable to, 34, *CP* 185-87, 192-95, 363-81
- impact on U.S. counterterror operations, *Ag.* 56-73
- international treaty obligations under, 66-69, 73-98, 322-44, 354-62, *CP* 192-95
- jurisdiction of courts under, *Ag.* 55, 64-66, 73-98, 329-62, *CP* 189-92, *CP* 483-84
- legislative background, 51-52, 57-64, 73-98, 331, 334, 339-44, 351-54
- procedures and rules of evidence, 79, 327, 336-37, 343-44, 372, *CP* 186-192, *CP* 888-89
- treatment of detainees, 51-55, 57-62, 64-70, 357, 359-61, 371-75, 866-69, *CP* 892-93
- Military Commissions: A Concise History, *Ag.* 35
- [The] Military Commissions Act, the Geneva Conventions, and the Courts: A Critical Guide, *Ag.* 73
- [The] Military Commissions Act, Habeas Corpus, and the Geneva Conventions, *Ag.* 322
- Military Commissions Act of 2006, *Ag.* 35, 322
- Milutinović, in case before ICTY, *ID* 163-71
- Moghalu, Kingsley, Rwanda's Genocide: The Politics of Global Justice, *BR* 928
- Mongolia**
- foreign sovereign immunity claim in tax lien case vs. Mission to UN, *CP* 642-45
- Naske, Nina & George Nolte, *ID* 466-71
- Neff, Stephen, War and the Law of Nations: A General History, *BR* 241
- Ní Aoláin, Fionnuala, *see* Gross, Oren
- Nollkaemper, André, Internationally Wrongful Acts in Domestic Courts, *LA* 760
- Nolte, George, *see* Naske, Nina
- Nominations for the Board of Editors, *NC* 406
- Non-proliferation**, *see* Arms control
- North American Free Trade Association (NAFTA)**(1992)
- arbitration award in Thunderbird Gaming case confirmed, *CP* 669-70
- challenge to NAFTA Chapter 19 dispute settlement process dismissed, *CP* 504-05
- Chapter 11 challenges to U.S. administration of antidumping and countervailing duty (AD/CVD) laws dismissed, *CP* 222-23
- Byrd amendment claim to proceed, 222-23
- claims vs. U.S. in tobacco settlement dispute dismissed, *CP* 223-24
- U.S. responsibility for actions by U.S. states under, 224
- liability for arbitration and legal costs under UNCITRAL rules, *CP* 877-99
- North Atlantic Treaty Organization (NATO)**
- in case before ICTY, *ID* 163-71
- obligation to produce intelligence information in ICTY case, 163-67
- Oliva, Maria Julia, *see* Bernasconi-Osterwalder, Nathalie
- Oliver, Covey T.
- memorial on, *NC* 404
- See also* Rogers, William D.
- Oosterveld, Valerie & Andrea Marlowe, *ID* 848-57
- Opening Pandora's Box: Sovereign Bonds In International Arbitration, *LA* 711
- Orakhelashvili, Alexander, Peremptory Norms in International Law, *BR* 913
- Orbital debris, *see* Air and space law
- Orellana, Marcos, *see* Bernasconi-Osterwalder, Nathalie
- Organization for Economic Cooperation and Development**, 834
- Guidelines for Multinational Enterprises, 819, 830, 834
- Organization of African Unity (OAU)**, *see* African Union

**Organization of American States (OAS)****American Convention on Human Rights**

(1969), 367

Inter-American Commission on Human Rights, *Ag.* 363–81**Palestine**Israeli ruling on "preventative targeted killings" of members of militant Palestinian organizations, *ID* 459–65

partition, 589–90, 592

UN early peace operations in, 589–92

U.S. views on military involvement in, 589–92, 595

**Panama**U.S. – Panama free trade pact, *CP* 880–81Patel, Bimal N. (Ed.), *India and International Law*, *BR* 538Paulsson, Jan, re inadvertent attribution of comments in his review of Vol. V of *International Maritime Boundaries*, *Corr.* 141Pellonpää, Matti, *see* Caron, David D.**Peru**U.S.–Peru free trade pact, *CP* 880–81foreign sovereign immunity claim in case of commercial activity, *CP* 202–03Peterson, Ines, *see* Schomburg, WolfgangPosner, Eric A., *BR* of Scott & Stephan, 509Ragazzi, Maurizio (Ed.), *International Responsibility Today: Essays in Memory of Oscar Schachter*, *BR* 237**Rape**defined by the courts, *NC* 132–40establishing nonconsent to sexual violence, *NC* 122–40sexual violence as act of genocide, crime against humanity, or war crime, *NC* 122, 128–31, 138–40, 849–52, 854–55

Recent Books on International Law, 231, 509, 674, 901

Reconceptualizing Legal Education After War, *NC* 382Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?, *NC* 99

Reydams, Luc

*BR* of Cruvellier, 928*BR* of Moghalu, 928Rogers, William D., Covey T. Oliver (1913–2007), *NC* 404Romano, Cesare, P. R., *ID* 171–78Rona, Gabor, *BR* of Forsythe, 259Rowe, Peter, *The Impact of Human Rights Law on Armed Forces*, *BR* 252Rudolf, Beate & Nina Hüfken, *ID* 857–65Ruggie, John Gerard, *Business and Human Rights: The Evolving International Agenda*, *CD* 819**Russia**approves legislation implementing Polar Bear Agreement, *CP* 508secret agreement on foreign investment, additional to Soviet Union–China (PRC) Treaty on Friendship, Alliance and Mutual Assistance (1950), *NC* 599–601Sarooshi, Dan, *International Organizations and Their Exercise of Sovereign Powers*, *BR* 674Saul, Ben, *Defining Terrorism in International Law*, *BR* 938Schomburg, Wolfgang & Ines Peterson, *Genuine Consent to Sexual Violence Under International Criminal Law*, *NC* 121Schulte, Constanze, *Compliance with Decisions of the International Court of Justice*, *BR* 524Schwartz, Jonathan B., *Dealing with a "Rogue State": The Libya Precedent*, *LA* 553Schwebel, Stephen M., *BR* of Ragazzi, 237Scott, Robert E. & Paul B. Stephan, *The Limits of Leviathan: Contract Theory and the Enforcement of International Law*, *BR* 509**Settlement of disputes**challenge to NAFTA Chapter 19 dispute settlement process dismissed, *CP* 504–05NAFTA arbitration award in Thunderbird Gaming case confirmed, *CP* 669–70NAFTA panel dismisses challenges to U.S. administration of antidumping and countervailing duty (AD/CVD) laws, *CP* 222–23NAFTA panel dismisses some claims against U.S. in tobacco settlement dispute, *CP* 223–24NAFTA panel terminates claims in softwood lumber dispute, *CP* 897–99sovereign debt instruments, *ID* 179–84, *LA* 711–38, *ID* 857–65

choice of forum clauses, 179–73, 732–38

compensation, 754–57

- holdout arbitration, 757-59
- investor-state arbitration, 181-84
- state responsibility, 738-54
- UNCLOS arbitral panel on delimitations of EEZ & continental shelf & foreign access to straddling fish stocks, *ID* 149-57
- UNCLOS and EC competence under "mixed agreement" treaty, 173-78
- WTO on EC regulatory regime for biotech products (GMOs), *ID* 453-59
- Shelton, Dinah L. (Ed.), *Encyclopedia of Genocide and Crimes Against Humanity*, *BN* 264
- [The] Shortcomings of Indeterminacy in Arms Control Regimes: The Case of the Biological Weapons Convention, *LA* 271
- Sino-Soviet Secret Diplomacy and the Foreign Investor, *NC* 599
- Slaughter, Anne-Marie, *A New World Order*, *BR* 231
- Solera, Oscar, *Defining the Crime of Aggression*, *BR* 544
- Special Court for Sierra Leone**
  - crimes against humanity, 849-52, 854, 857
  - gender crimes, 853-57
  - on forced marriage, 849, 851, 854-55
  - on greatest responsibility, 853, 855-57
  - on international and noninternational conflicts, 846
  - on joint criminal enterprise, 850, 852
  - on recruitment and use of child soldiers, 845-46, 849, 853-54, 857
  - on superior responsibility, 852, 855
  - outrages against personal dignity, 851, 854
  - prosecution of crimes, 853
  - Statute of the Special Court for Sierra Leone**, 850, 855-56
- Spiermann, Ole, *International Legal Argument in the Permanent Court of International Justice: The Rise of the International Judiciary*, *BR* 246
- Stahn, Carsten, *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?* *NC* 99
- State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1994-2004, *LA* 1
- State responsibility**
  - basis for domestic court findings of, 778-86
  - cessation and reparation, 780-81
  - duty to protect
    - as legal norm, *NC* 99-120
    - collective responsibility, 115-17, 119
    - complementarity, 116-17
    - human rights, 828-30, 839
    - sovereignty, 111-15
  - individual rights, 768-71, 775, 780-83, 793-96
  - primary and secondary obligations, *LA* 760-99
  - role of domestic courts in application of principles of, *LA* 760-99
  - breach of obligation, 767-75
  - implementation of international court findings, 776-98
  - prevention of international wrong, 765-67
  - sovereign default as trigger for state responsibility, 738-54
  - See also* International humanitarian law; International law
- Stephan, Paul B., *see* Scott, Robert E.
- Stromseth, Jane, David Wippman, & Rosa Brooks, *Can Might Make Rights? Building the Rule of Law After Military Interventions*, *BR* 901
- Sudan**
  - U.S. court dismisses alien tort claims against Talisman Energy, Inc., *CP* 210-22
- Terrorism**
  - and rogue states, *LA* 553-80
  - Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation** (Montreal Convention) (1971)
    - jurisdiction under, 558-62
  - counterterror operations under Military Commissions Act, *Ag.* 56-73, 362-81
  - designation of Libya as state sponsor of, 553-54, 577, 580
  - German Aerial Security Act unconstitutional, *ID* 466-71
  - Libya's renunciation of, 567-68, 572-78
  - status of terrorist organization members, 460-65
  - U.S. Legal Adviser on legal framework for addressing terrorism, *CP* 197-99
  - See also* International criminal law; Military commissions
- Thirlway, Hugh, *BR* of Spiermann, 246



**Torture**

authority of President to designate additional violations of Geneva Conventions common Article 3, *CP* 193

**UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (1984), 371, *CP* 194

U.S. says techniques authorized by Executive Order 13,440 are not torture, 869

use in interrogations, 94–95, 371, *CP* 192–93, 869

*See also* Military commissions; Terrorism

**Transnational corporations**, *see* Human rights, International economic law

Trechsel, Stefan, Human Rights in Criminal Proceedings, *BR* 701

**Trinidad and Tobago**

in case before UNCLOS Annex VII Arbitral Tribunal, *ID* 149–57

Tuerk, Elisabeth, *see* Bernasconi-Osterwalder, Nathalie

Tuzmukhamedov, B.R., *see* Kuznetsov, V. I.

[The] Two Faces of Terror, *Ag.* 363

[The] 2006 Judicial Activity of the International Court of Justice, *CD* 602

**Uganda**

in case before ICJ, *ID* 142–49, *CD* 602–08

**United Kingdom**

extradition treaty with U.S., *CP* 199–202

Mox plant case, 171–72

policy toward Libya since Pan Am 103 bombing, *LA* 553–80

**United Nations**

contradictions in founding principles, 581–83, 596–99

membership of Yugoslavia in, *NC* 800–18

admission as new member, 801–09, 812–15, 818

legal opinion on, 801–03, 817

U.S. criminal corruption charges for UN Oil-for-Food program abuses, *CP* 485–86, 876

U.S. critiques “Redesign Panel” report on internal justice system, *CP* 647–49

**United Nations Charter**, 620, 625

authority to override treaty provisions under Article 103, 559

breach of the peace under Article 39, 587

collective security limitations, *NC* 581–99

determination of nature of conflict, 597

failure of Chapter VII enforcement function, *NC* 581–99

interpretation of, by ICJ, 817

non-use of force under Article 41 of, *CP* 216–18, 666–68

peaceful settlement of disputes, 583, 587–89, 593–94

prohibition against use of force under Article 2(4) of, 142–44, 147–49, 619–20

right of self-defense under Article 51 of, *ID* 142–44, 148, 619–20

sanctions without Chapter VII language, *CP* 216–17

self-determination and sovereignty principles, 582, 586, 589, 592, 596–99

special arrangements for military forces under Article 43, 581–82, 585–86

U.S. concerns about, 585–86, 594

U.S. views on Chapter VII enforcement actions, 585–87

**United Nations Commission on Human Rights**, 820–21

UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, 820–27

*See also* United Nations Human Rights Council

**United Nations Committee on Economic, Social and Cultural Rights**

on protection of vulnerable in times of severe resource constraints, 864

**United Nations Convention Against Corruption** (2003), *CP* 201–02**United Nations Convention on the Rights of the Child** (1989), 829**United Nations Economic Commission for Africa** (UNECA), 618–19**United Nations General Assembly**

and responsibility to protect, 108–10

defers action on declaration on rights of indigenous peoples, *CP* 211–13

nonparticipation of Yugoslavia in, 801–03

on membership of Yugoslavia in UN, 801–03

U.S. joins consensus on UN Convention on Rights of Persons with Disabilities, *CP* 491–92

U.S. opposes declaration on rights of indigenous peoples, *CP* 211-13, *CP* 884-85

**United Nations Global Compact**, 819-20

**United Nations High-Level Panel on Threats, Challenges and Change**

and responsibility to protect 105-07

**United Nations Human Rights Council**

declaration on rights of indigenous peoples, *CP* 211-13

U.S. again not to seek election, *CP* 484-85

**United Nations Peacekeeping Operations**

early peace enforcement efforts in Indonesia, Palestine and Kashmir, *NC* 581-99

origins and evolution of, 582-83

special arrangements for military forces under Article 43, 581-82, 585-86

U.S. views on Chapter VII enforcement actions, 585-86, 596-97

**United Nations Secretary-General**

appointment of Special Representative on Business and Human Rights, 821

extension of mandate, 838

report of, 824, 828, 830, 835-36

on responsibility to protect, 107-08

**United Nations Security Council**

authorizes UN tribunal on Hariri assassination, at U.S. urging, *CP* 647

Burma (Myanmar) human rights resolution vetoed, *CP* 484-85

calls for North Korea not to conduct nuclear test, *CP* 217-18

collective security, *NC* 581-99

establishes committee on sanctions vs. North Korea, *CP* 220

failure of Chapter VII enforcement function, *NC* 581-99

imposes sanctions without invoking Chapter VII, *CP* 216-17

jurisdictional conflict with ICJ, 58-61

non-use of force in sanctions resolutions, *CP* 216-18, *CP* 666-68

on cessation of Yugoslavia's existence, 801

on Yugoslavia membership in UN, 801-03

peace efforts in Indonesia, Palestine and Kashmir, 586-94

peaceful settlement of disputes under Chapter VI, 583, 587-88

responsibility to protect, 100, 105-10

superpower rivalry in, 589, 586, 588-91

threat of use of veto, 582, 584-87

U.S. and UK use of, against Libyan terrorism, 555-62, 564-72, 578

U.S. efforts to curb Iran's nuclear program, *CP* 221, 666-68

U.S. supports UNSC sanctions vs. North Korea for missile and nuclear tests, *CP* 216-20

Executive Order implementing sanctions, *CP* 217

**United States**

Alien Tort Claims Act (ATCA), 831, 900

Alien Tort Statute, 93, 328, 783, 791

American Servicemembers' Protection Act (ASPA), *CP* 213-15

Articles of War, 76

Atomic Energy Act (1954), *CP* 496-99

Clean Air Act, *CP* 208-09, *ID* 471-77

Detainee Treatment Act (DTA), 51, 187, 191-92, 195, 325, 330-31, 334-36, 355-57, 370-72, 888-89

Foreign Sovereign Immunities Act (FSIA), *CP* 202-03, 642-45

Guidelines for Relations Between U.S. Armed Forces and Nongovernmental Humanitarian Organizations in Hostile or Potentially Hostile Environments, *CP* 877-78

habeas corpus curtailed, 92-94, 322-44, 354-61, *CP* 191-92

in case before ICTY, *ID* 163-71

in case before WTO Dispute Settlement Body, *ID* 453-59

international sustainable fisheries policy, *CP* 207-08

internet gambling restrictions, *CP* 203-04

investigating Israeli use of U.S.-origin cluster munitions in Lebanon, *CP* 502

Iran and Libya Sanctions Act (ILSA), 564, 575

Legal Service Corporation Act, 84-85

Magnuson-Stevens Fishery Conservation and Management Reauthorization Act, *CP* 651

Military Commissions Act of 2006 (MCA), *Ag.*

35-98, 322-81, *CP* 185-95

NAFTA Implementation Act of 1993, *CP* 504-05

Neutrality Act, *CP* 641-42

not to seek election to UN Human Rights Council, *CP* 484-85

opposes declaration on indigenous peoples' rights, *CP* 211–13, *CP* 884–85

reforms of immigration courts and Appeals Board, *CP* 209–10

Rush-Bagot Agreement of 1818, *CP* 506

Tropical Forest Conservation Act, *CP* 227

U.S.–Canada Free Trade Agreement Implementation Act of 1988, *CP* 504–05

U.S.–India Peaceful Atomic Energy Cooperation Act (2006), *CP* 496–99

U.S.–Japan Treaty of Friendship, Commerce and Navigation (1953), *CP* 882–84

War Crimes Act, *Ag.* 48–55, 329, *CP* 192–94

[The] United States and the Failure of UN Collective Security: Palestine, Kashmir, and Indonesia, 1947–1948, *NC* 581

**United States Central Intelligence Agency**

criminal & civil liability for interrogations, 54–55, *CP* 192

European reports on rendition and detention program; U.S. reaction, *CD* 442, *CP* 892–93

extradition of U.S. defendants in extraordinary rendition cases, *CP* 490–91, *CP* 890–91

former contractor sentenced for abusing Afghan detainee, *CP* 507

transfer of detainees held by CIA to military custody, 352, *CP* 192, 661–62

**United States Congress**

approves authorizing legislation for India nuclear agreement, *CP* 496–99

approves Convention on Supplementary Compensation on Nuclear Damage, *CP* 201

approves extradition treaty with UK, *CP* 199–202

approves implementing legislation for Polar Bear Agreement with Russia, *CP* 508

approves legislation restricting internet gambling, *CP* 203–04

approves new legislation on Council of Europe Convention on Cybercrime (2001), *CP* 200

authority to decide how U.S. will implement conventions, 337–38

consent to UN Convention Against Corruption (2003), with reservation, *CP* 200–02

consideration of Military Commissions Act of 2006 (MCA), 51–52, 73–98, 331, 337–44

ends limits on military training for certain parties to ICC Treaty, *CP* 213–15

legislative response to Libyan terrorism, 563–64, 579

passes Magnuson–Stevens Fishery Conservation & Management Reauthorization Act, *CP* 651

#### **United States Constitution and international law**

due process clause, 79, 335–37, 348–50

extraterritorial application of, 333, 360–62

habeas corpus and Military Commissions Act, 92–94, 322–44, 354–61, *CP* 191–92

jurisdiction of Supreme Court in cases arising under treaties, 78–79

nondelegation doctrine, 471–77

supremacy clause, 75, 78–79, 89–92, 340

suspension clause, 331–35

#### **United States Department of Commerce**

U.S. executive branch memorandum on sustainable fisheries policy, *CP* 207

#### **United States Department of Defense**

Administrative Review Boards, 325

attacks against Al Qaeda in Somalia, *CP* 506

Combatant Status Review Tribunals (CSRTs), 325, 331, 335–37, 355, 375–79, 660

criminal charges against Omar Ahmed Khadr reinstated by Military Commission Review Court, *CP* 887–88

directive and Army Field Manual on interrogation of detainees, 53–54

General Counsel on ICRC study of customary international humanitarian law, *CP* 639–41

#### **Guantánamo Bay**

application of Military Commissions Act to non-Guantánamo detainees, *CP* 195

detainee transfers and releases, 352, *CP* 192, *CP* 229–30, *CP* 488–90, 660–62, 888–90

detainee trials, *CP* 185–95, *CP* 887–89

expansion of detention facilities, *CP* 195

first conviction of detainee under Military Commissions Act, *CP* 486–87, 662

pro bono defense lawyers assailed by senior DOD official, 374, *CP* 489–90

Secretary supports closing facility, *CP* 487–88, 660–61

*See also* Military commissions

guidelines for relations between U.S. armed forces and NGO humanitarian organizations in hostile environments, *CP* 877–78

manual of procedures and elements for conviction by military commissions, 79, 325, *CP* 187-89, 195

policy on use and possession of cluster munitions, *CP* 501, 503-04

proceedings against military and civilian personnel for possible offenses in Afghanistan and Iraq, *CP* 215-16, 494-96, 663-64, 890-95

Uniform Code of Military Justice (UCMJ), 50, 57-58, *CP* 185-95, *CP* 215-16, 322-27, *CP* 494-95, *CP* 663-64, *CP* 893-95

U.S. renunciation of possession and use of biological weapons, 279

#### **United States Department of Homeland Security**

Argentinian & Peruvian former officers arrested for human rights abuses in homelands, *CP* 657-59

Coast Guard plans for weapons training on Great Lakes, *CP* 507

Secretary on international law and "activist" international judges and scholars, *CP* 195-97

Secretary's letter of assurance on agreement with EU on sharing airline passenger (PNR) data, *CP* 878-80

#### **United States Department of Justice**

anti-corruption investigation of BAE Systems contract with Saudi Arabia, *CP* 671

Attorney General reforms immigration courts and Board of Immigration Appeals, *CP* 209-10

challenge to NAFTA Chapter 19 dispute settlement process, *CP* 504-05

Charles Taylor, Jr. indicted for torture in Liberia, *CP* 492-93

compliance with ICJ's *Avena* decision, *CP* 478-83

conditions approval of foreign steel merger on divestiture of U.S. steel mill, 875-86

court affirms dismissal of El-Masri suit against U.S. on state secret grounds, 506

court findings in cases of U.S. citizens and other persons held in Iraq by U.S. forces, *CP* 665-66, *CP* 890-95

lack of jurisdiction to block Saddam & al-Bandar executions, *CP* 665

court finds decisions under Montreal Protocol lack domestic legal effect, *CP* 208-09, *ID* 471-77

court finds Noriega extraditable to France, *CP* 885-86

court finds U.S.-Japan Friendship, Communication and Navigation Treaty does not preempt state whistleblower law, *CP* 882-84

court upholds dismissal on state secret grounds of suit by German (El-Masri) allegedly detained by mistake, *CP* 506-07

court upholds jurisdiction-stripping provisions of Military Commissions Act, *CP* 483-84

criminal corruption charges for UN Oil-for-Food program abuses, *CP* 485-86, 876

internet gambling restrictions, *CP* 203-04

jurisdiction of courts under Military Commissions Act, *Ag.* 55, 64-66, 73-98, 329-62, 354-61, *CP* 189-92, *CP* 483-84

naturalization fraud case against Luis Posada Carriles (Venezuela), *CP* 493-94, 672-73

Texas court rejects Presidential order to review consular notification death cases, *CP* 478-80

Department supports Supreme Court review of decision, *CP* 480-83

#### **United States Department of State**

agreement with EU Eurojust, *CP* 226-27

agreement with EU on sharing passenger airline (PNR) data, *CP* 228-29, *CP* 502-03, *CP* 878-80

agreements with Botswana and Guatemala on tropical forest conservation projects, *CP* 227

calls for Senate approval of Protocol on Explosive Remnants of War, *CP* 502-03

closes Eritrea's Oakland consulate; suspends visa services in Asmara, *CP* 874-75

concern at Chinese antisatellite missile test, *CP* 671

concludes "Open Skies" agreement with EU, *CP* 653-54

executive branch memorandum on sustainable fisheries policy, *CP* 207

extradition of U.S. defendants in extraordinary rendition cases, *CP* 490-91, *CP* 890-91

extradition treaty with UK, *CP* 199-202

joins six-Power arrangement on North Korea's nuclear program, *CP* 499-501

Legal Advisor uses international law blog to defend administration policy, *CP* 505–06

new U.S. Model Income Tax Convention and Model Technical Explanation, *CP* 228

nuclear cooperation agreement with India signed, *CP* 895–97

on cooperation with ICC on Darfur, *CP* 636–39

on ICRC study of customary international humanitarian law, *CP* 639–41

on legal framework for addressing terrorism, *CP* 197–99

outer space policy statement, *CP* 204–07

plan for Coast Guard weapons training on Great Lakes deferred, *CP* 507

policy on use and possession of cluster munitions, *CP* 501, 503–04

policy toward Libya since Pan Am 103 bombing, *LA* 553–80

priority list of treaties sent to Senate for action, *CP* 869–73

ratification of Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (2000), *CP* 651–53

response to Venezuelan nationalizations affecting U.S. companies, *CP* 645–47

Secretary supports closing Guantánamo Bay detention facility, *CP* 487–88, 660–61

supports Supreme Court review of Texas court decision on consular notification death cases, *CP* 480–83

supports UN sanctions v. North Korea for missile & nuclear tests, *CP* 216–20

treaty obligations v. domestic law, 73–98, 337–44, 471–77

#### **United States Department of the Treasury**

new U.S. Model Income Tax Convention and Model Technical Explanation, *CP* 228

#### **United States district court**

confirms arbitration award in Mexico's favor in Thunderbird Gaming case, *CP* 669–70

dismisses alien tort claims for events in Sudan, *CP* 210–11

#### **United States President**

authority to designate additional violations of Geneva Conventions, 96–98, 329, 342–43

authority to give effect to ICJ's *Avena* decision, *CP* 478–83

authority to suspend treaty obligations of Geneva Conventions, 64–65

aspires to end detentions at Guantánamo, *CP* 886–87

concerns about criminal and civil liability in interrogations, 94–95, *CP* 192–93

executive branch memorandum on sustainable fisheries policy, *CP* 207–08

Executive Order implementing UNSC sanctions on North Korea, *CP* 217

Executive Order on common Article 3 and detainee interrogations, *CP* 866–69

memorandum waiving limits on military training for parties to ICC treaty, *CP* 213–15

outer space policy statement, *CP* 204–07

priority list on treaties sent to Senate for action, *CP* 869–73

proposes international measures to protect Papahānaumokuākea Marine National Monument region, 650

signs authorizing legislation for India nuclear agreement, *CP* 496–99

transfers detainees held by CIA to military custody, *CP* 192, 352, 661–62

transmits Protocol on Explosive Remnants of War (Protocol V) of Conventional Weapons Convention to Senate, *CP* 502–03

urges Senate approval of UN Convention on Law of the Sea, *CP* 650–51

#### **United States Senate**

amendment to Military Commissions Act to permit habeas corpus review fails, *CP* 888

consent to Convention on Supplementary Compensation on Nuclear Damage, with declaration (1997), *CP* 201

consent to Council of Europe Convention on Cybercrime (2001), *CP* 200

consent to extradition treaty with UK, *CP* 199–202

consent to Protocol III to 1949 Geneva Conventions on Adoption of Additional Distinctive Emblem, *CP* 201

consent to UN Convention Against Corruption (2003), with reservation, *CP* 201–02

#### **United States Supreme Court**

grants certiorari in Medellín case, *CP* 670–71

- immovable property rights, *CP* 642-45
- immunity claim in tax lien case v. UN Missions, *CP* 642-45
- jurisdiction in cases arising under treaties, 73-79
- review of jurisdiction-stripping provisions of Military Commissions Act, *CP* 483-84, 659-60
- Universal Declaration of Human Rights** (1948), 819, 824, 833
- Uruguay**  
in case before ICJ, *CD* 608-12
- Use of force**  
aggression, 143, 148-49  
defense of necessity for just war, 856-57  
human rights and 145-46, 149  
in context of terrorism, 148  
in self-defense, 142-44, 148, 619-20  
ICJ judgment in Congo case, *ID* 142-49, *CD* 602-08  
international humanitarian law and, 145-47, 149  
non use of, *CP* 216-18, *CP* 666-68  
prohibition against, 142-44, 147-49, 619-20  
proportionality principle, 459-62, 470-71  
responsibility to protect, *NC* 99-120
- Vagts, Detlev F., Military Commissions: A Concise History, *Ag* 35
- Vandeveld, Kenneth J., *ID* 179-84
- Vázquez, Carlos Manuel, The Military Commissions Act, the Geneva Conventions, and the Courts: A Critical Guide, *Ag* 73
- Venezuela**  
U.S. response to nationalizations affecting U.S. companies, *CP* 645-47
- Vienna Convention on Consular Relations** (1963), 506, 617-19, 627-35  
failure to provide consular information, *CP* 478-83, *ID* 627-35  
individual rights under, 628-31, 767-68, 773, 780
- Optional Protocol to the Vienna Convention on Consular Relations Concerning the Compulsory Settlement of Disputes** (1963), 629, 633
- Vienna Convention on Diplomatic Relations** (1961), 147, 617-19, 626, 644
- diplomatic bag, 618, 874-75  
diplomatic immunity, 617-18, 642-45  
diplomatic representation, 618-19
- Vienna Convention on the Law of Treaties** (1969), 180-81, 626, 634
- Vignes, Daniel, *see* Lagoni, Rainer
- Viljoen, Frans & Lirette Louw, State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1994-2004, *LA* 1
- Vinopal, Kelly, *BN* of Shelton, 264
- Vohrer, Brian J., *see* Colson, David A.
- Waibel, Michael, Opening Pandora's Box: Sovereign Bonds In International Arbitration, *LA* 711
- Was Yugoslavia a Member of the United Nations in the Years 1992-2000?, *NC* 800
- Waters, Christopher P. M., Reconceptualizing Legal Education After War, *NC* 382
- Weeramantry, J. Romesh, *ID* 616-27
- Weiner, Allen S., *BR* of Neff, 241
- Weissbrodt, David, *BR* of Trechsel, 701
- Wippman, David, *see* Stromseth, Jane
- Wood, Michael, *BR* of Matheson, 685
- World Trade Organization (WTO)**  
**Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)** (1994), *ID* 453-59  
**Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)** (1994)  
**Protocol Amending the TRIPS Agreement** (2005)  
rules on licensing pharmaceutical products, 655-57  
U.S. acceptance of, 656-57  
**Marrakech Agreement Establishing the World Trade Organization** (1994)  
U.S. practice regarding acceptance of amendments to, *CP* 655-57  
Panel Report, European Communities—Measures Affecting the Approval and Marketing of Biotech Products, *ID*, 453-59  
**Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU)**, 453



Yin, Tung, *BR* of Saul, 938

**Yugoslavia**

continuator or successor state, 800-01, 803-04, 809, 812-14

in cases before ICJ, *NC* 800-18

legal personality, 801, 805-08, 812-16, 818

UN legal opinion on, 801-03, 817

UN membership 1992-2000, *NC* 800-18

admission as new UN member, 801-09, 812-15, 818

Zampetti, Americo Beviglia, Fairness in the World Economy: U.S. Perspectives on International Trade Relations, *BR* 907



# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOLUME 101

CONTENTS

2007

[No. 1, January 2007, pp. 1–269; No. 2, April 2007, pp. 271–552; No. 3, July 2007, pp. 553–709; No. 4, October 2007, pp. 711–975.]

	PAGE
<b>State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1993–2004</b> <i>Frans Viljoen and Lorette Louw</i>	1
<b>The Shortcomings of Indeterminacy in Arms Control Regimes: The Case of the Biological Weapons Convention</b> <i>Jack M. Beard</i>	271
<b>Dealing with a "Rogue State": The Libya Precedent</b> <i>Jonathan B. Schwartz</i>	553
<b>Opening Pandora's Box: Sovereign Bonds in International Arbitration</b> <i>Michael Waibel</i>	711
<b>Internationally Wrongful Acts in Domestic Courts</b> <i>André Nollkaemper</i>	760
<b>Agora: Military Commissions Act of 2006</b>	
Military Commissions: A Concise History <i>Detlev F. Vagts</i>	35
The Amendment of the War Crimes Act <i>Michael J. Matheson</i>	48
The Geneva Boomerang: The Military Commissions Act of 2006 and U.S. Counterterrorism Operations <i>Jack M. Beard</i>	56
The Military Commissions Act, the Geneva Conventions, and the Courts: A Critical Guide <i>Carlos M. Vázquez</i>	73
<b>Agora (Continued): Military Commissions Act of 2006</b>	
The Military Commissions Act, Habeas Corpus, and the Geneva Conventions <i>Curtis A. Bradley</i>	322
Judicial Review and the Military Commissions Act: On Striking the Right Balance <i>David A. Martin</i>	344
The Two Faces of Terror <i>Tom J. Farer</i>	363
<b>Notes and Comments</b>	
Responsibility to Protect: Political Rhetoric or Emerging Legal Norm? <i>Carsten Stahn</i>	99
Genuine Consent to Sexual Violence Under International Criminal Law <i>Wolfgang Schomburg and Ines Peterson</i>	121
Reconceptualizing Legal Education After War <i>Christopher P. M. Waters</i>	382
Covey T. Oliver (1913–2007) <i>William D. Rogers</i>	404
The Francis Deák Prize	405
The United States and the Failure of UN Collective Security: Palestine, Kashmir, and Indonesia, 1947–1948 <i>Aiyaz Husain</i>	581

## BOARD OF EDITORS

### *Editors in Chief*

LORI FISLER DAMROSCH  
Columbia University School of Law

BERNARD H. OXMAN  
University of Miami School of Law

MAHNOUSH H. ARSANJANI  
United Nations  
DAVID J. BEDERMAN  
Emory University School of Law  
DANIEL BODANSKY  
University of Georgia School of Law  
JUTTA BRUNNÉE  
University of Toronto School of Law  
HILARY CHARLESWORTH  
Australian National University  
STEVE CHARNOVITZ  
George Washington Univ. Law School  
JAMES R. CRAWFORD  
University of Cambridge  
JOHN R. CROOK  
Potomac, Maryland  
RYAN GOODMAN  
Harvard University  
DAVID A. MARTIN  
University of Virginia School of Law  
SEAN D. MURPHY  
George Washington Univ. Law School

STEVEN R. RATNER  
University of Michigan Law School  
DINAH L. SHELTON  
George Washington Univ. Law School  
BETH A. SIMMONS  
Harvard University  
ANNE-MARIE SLAUGHTER  
Princeton University  
RICHARD H. STEINBERG  
Univ. of California (UCLA) School of Law  
JANE E. STROMSETH  
Georgetown University Law Center  
JOEL P. TRACHTMAN  
Fletcher School of Law and Diplomacy  
CARLOS MANUEL VÁZQUEZ  
Georgetown University Law Center  
RUTH WEDGWOOD  
Johns Hopkins University  
J. H. H. WEILER  
New York University School of Law  
EDITH BROWN WEISS  
Georgetown University Law Center  
DIANE P. WOOD  
Chicago, Illinois

JOSÉ E. ALVAREZ

### *ex officio*

ELIZABETH ANDERSEN

### *Honorary Editors*

GEORGE H. ALDRICH  
The Hague, the Netherlands  
RICHARD B. BILDER  
University of Wisconsin Law School  
CHARLES N. BROWER  
The Hague, the Netherlands  
THOMAS BUERGENTHAL  
The Hague, the Netherlands  
ANTHONY D'AMATO  
Northwestern University School of Law  
RICHARD A. FALK  
University of California at Santa Barbara  
TOM J. FARER  
University of Denver  
THOMAS M. FRANCK  
New York University School of Law  
LOUIS HENKIN  
Columbia University School of Law  
ROSALYN HIGGINS  
The Hague, the Netherlands  
JOHN H. JACKSON  
Georgetown University Law Center

FREDERIC L. KIRGIS  
Washington and Lee Univ. School of Law  
CYNTHIA CRAWFORD LICHTENSTEIN  
Boston College Law School  
ANDREAS F. LOWENFELD  
New York University School of Law  
THEODOR MERON  
The Hague, the Netherlands  
JOHN NORTON MOORE  
University of Virginia School of Law  
W. MICHAEL REISMAN  
Yale Law School  
STEPHEN M. SCHWEBEL  
Washington, D.C.  
ERIC STEIN  
University of Michigan Law School  
PETER D. TROOBOFF  
Washington, D.C.  
DETLEV F. VAGTS  
Harvard Law School  
BURNS H. WESTON  
University of Iowa College of Law

*Senior Associate Editor*  
ANNA ASCHER

*Associate Editor*  
STEPHEN SCHER

*Managing Editor*  
CARA M. SMITH

AMARA LEVY-MOORE

*Assistant Editors*

DOREEN G. YAMAMOTO

Sino-Soviet Secret Diplomacy and the Foreign Investor	<i>William E. Butler</i>	599
Was Yugoslavia a Member of the United Nations in the Years 1992–2000?	<i>Yehuda Z. Blum</i>	800

### Current Developments

The Fifty-eighth Session of the International Law Commission	<i>Michael J. Matheson</i>	407
The Council of Europe Addresses CIA Rendition and Detention Program	<i>Monica Hakimi</i>	442
The 2006 Judicial Activity of the International Court of Justice	<i>Stephen Mathias</i>	602
Business and Human Rights: The Evolving International Agenda	<i>John Gerard Ruggie</i>	819

### International Decisions

*Edited by Daniel Bodansky*

<i>Armed Activities on the Territory of the Congo</i> (James Thuo Gathii)	142
<i>Barbados/Trinidad and Tobago</i> (Barbara Kwiatkowska)	149
<i>Prosecutor v. Karemera, Ntirumpatse, &amp; Nzirorera</i> (Kevin Jon Heller)	157
<i>Prosecutor v. Milutinović et al.</i> (Jacob Katz Cogan)	163
<i>Commission of the European Communities v. Ireland</i> (Cesare P. R. Romano)	171
<i>Agua del Tunari, S.A. v. Republic of Bolivia</i> (Kenneth J. Vandeveld)	179
<i>European Communities—Measures Affecting the Approval and Marketing of Biotech Products</i> (Simon Lester)	453
<i>Public Committee Against Torture in Israel v. Government of Israel</i> (Orna Ben-Naftali and Keren Michaeli)	459
<i>"Aerial Security Law"</i> (Nina Naske and Georg Nolte)	466
<i>Natural Resources Defense Council v. Environmental Protection Agency</i> (John H. Knox)	471
<i>Partial and Final Arbitration Awards (Eritrea/Ethiopia)</i> (J. Romesh Weeramantry)	616
<i>Case Nos. 2 BvR 2115/01, 2 BvR 2132/01, &amp; 2 BvR 348/03 [Vienna Convention on Consular Relations case]</i> (Klaus Ferdinand Gärditz)	627
<i>Prosecutor v. Thomas Lubanga Dyilo</i> (Mark A. Drumbl)	841
<i>Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara &amp; Santigie Borbor Kanu; Prosecutor v. Moinina Fofana &amp; Allieu Kondewa</i> (Valerie Oosterveld and Andrea Marlowe)	848
<i>Joined Case Nos. 2 BvM 1–5/03 &amp; 2 BvM 1–2/06 [Argentinean state bonds case]</i> (Beate Rudolf and Nina Hüfken)	857

### Contemporary Practice of the United States Relating to International Law

*Edited by John R. Crook*

New U.S. Legislation on Military Commissions, Interrogations, Judicial Review of Detainee Claims	185
Military Commissions Authorized, Procedures Defined	185
Habeas Corpus Curtailed	191
Regulating Interrogations, Limiting Officials' Individual Responsibility	192
Senior Administration Officials Voice Varying Perspectives on International Law	195
Senate Approves UK Extradition Treaty and Other Bilateral and Multilateral Treaties, Attaches Reservations and Understandings	199
Peru's Offer of a Reward for a Fugitive Falls Within FSIA's Commercial Activity Exception	202
U.S. Efforts to Restrict Internet Gambling	203
New Statement of U.S. Space Policy	204
President States International Fisheries Policy Aimed at Sustainability	207

D.C. Court of Appeals Finds Decisions Under Montreal Protocol Lack Domestic Legal Effect	208
Attorney General Announces Reforms of Immigration Courts and Appeals Board	209
U.S. District Court Dismisses Alien Tort Claims Suit Against Canadian Oil Company for Events in Sudan	210
United States Joins Australia and New Zealand in Criticizing Proposed Declaration on Indigenous Peoples' Rights	211
President and Congress End Limits on Military Training for Parties to ICC Treaty	213
Continued UCMJ Proceedings Involving Civilian Deaths in Iraq	215
United States Supports UN Sanctions, Vigorous Enforcement Following North Korean Missile and Nuclear Tests	216
Continuing Efforts to Address Iran's Nuclear Program Appear to Yield Little Progress	221
NAFTA Panel Dismisses Chapter 11 Challenges to U.S. Administration of Antidumping and Countervailing Duty Laws, Allows Byrd Amendment Claim to Proceed	222
NAFTA Panel Dismisses Some Claims Against United States In Tobacco Settlement Dispute, Allows Others to Proceed	223
Brief Notes	225
Texas Court Rejects Presidential Order to Review Consular Notification Death Cases	478
U.S. Government Supports Supreme Court Review of Texas Decision	480
D.C. Circuit Upholds Jurisdiction-Stripping Provisions of Military Commissions Act	483
China, Russia Veto Security Council Resolution on Myanmar Sought by United States	484
United States Again Decides Not to Seek Election to UN Human Rights Council	484
UN Officials Face U.S. Criminal Corruption Charges	485
Australian Detainee Pleads Guilty in First Guantánamo Conviction	486
Developments Relating to Continued Detentions at Guantánamo Bay	487
United States Will Not Extradite Defendants in Alleged "Extraordinary Rendition" from Italy; Other Cases Loom	490
United States Joins Consensus on Disability Treaty, but Not Expected to Sign	491
Charles Taylor Jr. Indicted in United States for Torture in Liberia	492
U.S. Criminal Charges Against Luis Posada Carriles	493
Multiple UCMJ Proceedings Involving Offenses Against Civilians in Iraq	494
Congress Approves Authorizing Legislation for India Nuclear Agreement; President Issues Signing Statement	496
United States Joins Six-Power Arrangement on North Korea's Nuclear Program	499
U.S. Policy Regarding Cluster Munitions	501
D.C. Circuit Dismisses Challenge to NAFTA Chapter 19 Dispute Settlement Process	504
Brief Notes	505
State Department Legal Adviser Describes U.S. Views on International Law, Suggests Possible Cooperation with International Criminal Court on Darfur	636
United States Responds to ICRC Study on Customary International Law	639
U.S. Prosecutions for Violation of Neutrality Act in Plot Against Laos	641
U.S. Supreme Court Finds No Immunity in Tax Lien Case Against India	642
U.S. Response to Venezuelan Nationalizations	645
United States Leads in Urging UN Tribunal for Hariri Assassination	647
U.S. Delegation Critiques Proposals to Revise UN Internal Justice System	647
President Urges Senate Approval of the Law of the Sea Convention	650



New Fisheries Legislation Authorizes U.S. Measures Against Illegal, Unreported, and Unregulated Fishing	651
United States Ratifies Western and Central Pacific Fisheries Convention	651
United States and European Union Conclude "Open Skies" Agreement	653
U.S. Practice Regarding Acceptance of Amendments to the WTO Agreement	655
U.S. Authorities Arrest and Charge Argentine and Peruvian Former Officers Implicated in Serious Human Rights Abuses	657
Developments Regarding the Military Commissions Act and Detentions at Guantánamo Bay	659
UCMJ Proceedings Against U.S. Personnel Accused of Offenses Against Civilians in Afghanistan and Iraq	663
U.S. Courts Address Cases Involving Persons Held in Iraq by U.S. Forces	665
Continuing U.S. Efforts to Discourage Iran's Nuclear Program	666
Positive Developments Regarding North Korea's Nuclear Program	668
U.S. Court Confirms and Enforces NAFTA Arbitration Award in Favor of Mexico	669
Brief Notes	670
New Executive Order Addresses Common Article 3 and Permitted Methods of Detainee Interrogation	866
Treaty Priority List Sets Out Administration Priorities for Senate Action	869
United States Directs Eritrea to Close Consulate in Oakland	874
Justice Department Requires Divestiture of Baltimore Steel Mill as Condition for Approval of Foreign Steel Merger	875
U.S. Criminal Proceedings Involving UN Secretariat Officials and Corruption in Oil-for-Food Program	876
U.S. Military Authorities and Nongovernmental Humanitarian Organizations Establish Guidelines on Relations in Hostile Environments	877
U.S.-European Agreement on U.S. Access to Airline Passenger Data	878
Uncertain Prospects for Pending U.S. Bilateral Trade Agreements	880
United States and South Korea Sign Major Free Trade Agreement; Prospects Uncertain	881
Ninth Circuit Finds FCN Treaty with Japan Does Not Preempt State Whistleblower Law	882
United States Votes Against Adoption of UN Declaration on Indigenous Peoples	884
Manuel Noriega Found Extraditable to France; Geneva Convention Claims Rejected	885
Developments Related to the Military Commissions Act and Detentions at Guantánamo Bay	886
U.S. Officials and Military Personnel Face Charges in Foreign Courts; United States Will Not Extradite; U.S. Officials Criticize Foreign Investigations	890
Continuing UCMJ Proceedings Involving Offenses Against Civilians in Iraq	893
United States and India Sign Nuclear Cooperation Agreement; Prospects for Approval Uncertain	895
NAFTA Panel Awards Costs to United States in Termination of Softwood Lumber Claim	897
Brief Notes	899

**Recent Books on International Law** *Edited by Richard B. Bilder* 231, 509, 674, 901

**International Legal Materials.** Contents, Vol. XLV, No. 6 (Nov. 2006); Vol. XLVI, Nos. 1-5 (2007)

**Table of Cases** 950

**Index** 954